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**AUG 17 2004**

**OFFICE OF PETITIONS**

In re Application of	:	
Jacson Liu	:	
Application No. 09/187,197	:	ON PETITION
Filed: November 3, 1998	:	
Attorney Docket No. MVIP0005USA	:	

This is a decision on the renewed petition under 37 C.F.R.  
§ 1.137(b), filed August 4, 2004, to revive the above-identified  
application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to  
the Office action mailed September 22, 2003, which set a thirty  
(30) day period to reply. Accordingly, this application became  
abandoned on October 23, 2003. A Notice of Abandonment was mailed  
on May 3, 2004.

Petitioner contends the Office action was never received by  
applicant. The showing required to establish non-receipt of an  
Office communication must include a statement from the  
practitioner stating that the Office communication was not  
received by the practitioner and attesting to the fact that a  
search of the file jacket and docket records indicates that the  
Office communication was not received. A copy of the docket  
record where the non-received Office communication would have  
been entered had it been received and docketed must be attached  
to and referenced in practitioner's statement. See *Withdrawing  
the Holding of Abandonment When Office Actions Are Not Received*;  
Notice 1156 *Off. Gaz. Pat. Office* 53 (November 16, 1993).

Petitioner has submitted the necessary statement and docket  
records that indicate non-receipt of the Office action. As such,

the petition shall be treated as a petition under 37 CFR 1.181 and the holding of abandonment is withdrawn.

The \$1330.00 petition fee, submitted May 27, 2004, will be refunded to deposit account no. 50-3105.

This application is being forwarded to Technology Center 2800 for review of the amendment, filed August 4, 2004, *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

A handwritten signature in black ink, appearing to read 'EJ Tannouse', with a long horizontal line extending to the right.

Edward J. Tannouse  
Petitions Attorney  
Office of Petitions  
United States Patent and Trademark Office